



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



March 5, 2002

CERTIFIED MAIL

Nathaniel Tuttle
Tuttle's Auto Parts
860 Turnpike Road
New Ipswich, New Hampshire 03071

Re: Administrative Order No. WMD 01-017

Dear Mr. Tuttle:

On December 31, 2001, the Department of Environmental Services, Waste Management Division (DES) issued Administrative Order No. WMD 01-017 (AO) for your New Ipswich business/property. This AO ordered you to undertake specific corrective actions. To date, DES has not received the information required by Part E. of the AO, some of which are now past due. Below is a list of items detailed in the AO that DES requires either an action and/or response from you.

1. ***Immediately cease accepting or bringing any solid waste (e.g. construction and demolition debris, white goods, and non-automotive scrap metal) to the Site until such time that a solid waste permit for the scrap metal collection and recycling portion of the operation has been obtained for the Site.***
2. ***Immediately ensure that all by pass automotive derived solid waste (i.e. scrap metal, tires, etc.) is actively managed, as defined by Env-Wm 102.04, and in accordance with RSA 149-M and the Solid Waste Rules.***
3. ***Within 45 days of this Order, store all scrap tires on Site in accordance with Env-Wm 2605.02(b).***
4. ***Within 45 days of this Order, submit to DES for approval a Scope of Work prepared by a qualified environmental consultant for: a) the removal of all solid waste (non-automotive materials), scrap tires, construction and demolition debris, stained soil, and drums of automotive paint wastes at the Site; and b) the identification of the nature and extent of soil and groundwater impacts at the Site from discharges to the environment. Include as part of the Scope of Work a schedule, which details when the work will be done.***
5. If analyses of the soil or the groundwater shows any exceedance of the cleanup standards as detailed in the DES Contaminated Sites Risk Characterization and Management Policy dated January 1998, initiate activities to satisfy the requirements of the policy within 30 days of receiving the analyses.
6. ***Within 20 days of this Order, submit a written status report identifying the consultant required by item E.3 and provide documentation that certifies the consultant has been retained.***
7. Upon DES approval of the Scope of Work and proposed schedule, implement the Scope of

Work as approved and complete the removal of all ~~solid waste, hazardous waste/used oil, and~~ stained soil at the Site to a facility or facilities permitted to accept such wastes.

8. Upon DES approval of the Scope of Work and proposed schedule, conduct a hazardous waste determination as specified in Env-Wm 502.01 on the two 55-gallon drums of automotive paint waste and the stained soil. Submit the results together with any other supporting data, material safety data sheets, chemical analyses, or process knowledge to DES. A complete hazardous waste determination will require you to determine if the waste is a federal hazardous waste for ignitability or toxicity. Waste determined to be hazardous must be handled pursuant to the Hazardous Waste Rules.
9. *Immediately ensure that all containers of used oil destined for recycle are properly labeled with the words "Used Oil for Recycle" as specified by Env-Wm 807.06(b)(4).*
10. *Immediately ensure that all containers of used oil destined for recycle are properly sealed at all times, except when used oil is being added to or removed from the containers as specified by Env-Wm 807.06(b)(5).*
11. **Within 7 days** of the disposal of the non-automotive solid waste, forward copies of disposal receipts to DES.
12. **Within 7 days** of the disposal of the stained soil, forward copies of disposal receipts to DES.
13. **Within 7 days** of the disposal of the automotive paint waste, forward copies of disposal receipts and/or hazardous waste manifests to DES.
14. Submit one written status report to DES **within 60 calendar days** of this Order and a second report **within 120 calendar days** of this Order, certifying that corrective measures have been implemented in accordance with the approved Scope of Work. Include in each report supporting documentation describing those measures taken to achieve compliance during the reporting period, together with copies of any written plans or proceedings developed.

DES requests that you comply with the AO's requirements and submit a written response to each of the items in *italics* above by March 22, 2002. Failure to comply with may result in the matter being referred to the New Hampshire Department of Justice.

Sincerely,

COPY
George J. Carrigan
Special Investigations Section
Department of Environmental Services

Certified Mail# 7099 3400 0002 9769 7662
GJC/gc/tuttle.let

cc: DB/FILE
Gretchen Rule, Enforcement Coordinator, DES